

Ferragut, II, et al.

Attorney Docket No. P05522US02

REMARKS**Overview**

Claims 1-3, 5-6, 8-16 and 18 are pending in this application. Claim 1 has been amended. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

Issues Under 35 U.S.C. § 103

Claims 1-3, 5, 6, -8-16 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,088,056 to McIntosh et al. This rejection is respectfully traversed. McIntosh relates to a medication clock. The medication clock has a memory with a programmable timer that records time and date for taking medications dispensed from compartments of the medication clock. The time when a person takes a medication is recorded and can be output for review by a pharmacist or physician.

There is a backup battery power supply (without alarm producing capabilities) so that the program schedule is not lost upon a power outage. There is a subroutine that senses when power is disconnected and when power is reconnected. When power is reconnected, the subroutine activates a printer to provide a printout of the time and date when power was both interrupted and restored and indicates any dosages or medications which were programmed to be taken during the power outage (column 4, line 51-column 5, line 5).

Claim 1 requires "determining by the household appliance of a prior occurrence of a power outage to the appliance" and "computing by the household appliance of a duration of the power outage". The Examiner has already recognized that McIntosh does not teach calculating the duration of the outage (Office Action, page 3, lines 2-4). The Examiner is correct in that

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McIntosh is deficient in this regard. In addition, however, McIntosh does not disclose "determining by the household appliance of a prior occurrence of a power outage to the appliance." McIntosh explicitly discloses that it has a control program which is "provided with a subroutine which senses when power is disconnected from an external source" (column 4, lines 60-63). Thus, McIntosh does not determine "a prior occurrence of a power outage to the appliance" rather McIntosh senses when power is disconnected.

It is further observed that McIntosh relies upon a fundamentally different principle of operation. In McIntosh, the power outages are determined as they occur and power restoration is determined as it occurs. To further clarify the fundamentally different principle of operation, claim 1 has been amended to have the limitation of "after power is restored". This should make clear that the household appliance determines "a prior occurrence of a power outage". Therefore, it is respectfully submitted that this rejection must be withdrawn. As claims 2-3, 5, 6, and 8 depend from claim 1, these rejections must also be withdrawn.

With respect to claim 9, claim 9 explicitly requires "periodically storing a time prior to a power outage" and "determining by the household appliance of a duration of the power outage". As McIntosh does not disclose either of these limitations and given McIntosh's fundamentally different principle of operation, these rejections must be withdrawn. As claims 10-12 depend from claim 9, these rejections should also be withdrawn.

With respect to claim 13, claim 13 requires "the intelligent control adapted for determining the duration of a power outage." McIntosh does not disclose this limitation. For the reasons previously expressed, McIntosh operates on a fundamentally different principle of operation and there would be no reason for McIntosh to determine a duration of a power outage.

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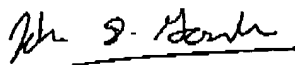
Therefore this rejection to claim 13 must be withdrawn. As claims 14-15 and 18 depend from claim 13, these rejections must also be withdrawn.

Therefore, it is respectfully submitted that all claims are in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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